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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/827,247	04/06/2001	Ronald L. Tardif	05793.3050	7207
22852	7590	11/16/2006	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			KESACK, DANIEL	
			ART UNIT	PAPER NUMBER
			3691	

DATE MAILED: 11/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/827,247	Applicant(s) TARDIF, RONALD L.	
	Examiner Dan Kesack	Art Unit 3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 September 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 4-17, 21-29 and 33-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4-17, 21-29 and 33-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. Amendment filed September 1, 2006 has been entered and fully considered. Claims 4-17, 21-29, and 33-47 are currently pending. The rejections are as stated below.

***Claim Rejections - 35 USC § 103***

2. Claims 11-13, 27-29, 39-42, 44, 45 and 47 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Keen, U.S. Patent No. 5,774,882, in view of Yang, U.S. Patent No. 6,224,109.

3. Claims 43, 46 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Keen and Yang as applied to claims 3, 20, 32, above, and further in view of Jackson, "South Bend Tribune" article.

4. Claims 4, 5, 8-10, 14, 16, 17, 21, 22, 25, 26, 33, 34, 37, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeFrancesco, U.S. Patent No. 5,878,403 in view of Yang.

DeFrancesco discloses a system and method for automated credit analysis and decision routing, comprising inherently receiving a request from an applicant to obtain a

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line of credit (obtaining applicant information – column 22 lines 1-10), generating a credit validation request based on the request received by the applicant (the application), forwarding the credit validation request to a funding source (column 22 lines 44-58), wherein if the funding source is unable to process the validation request, the request is forwarded to another funding source (column 22 lines 59-67), and transmitting a response back to the source of the application, wherein the response includes information indicating whether or not the applicant is approved to obtain a line of credit from the funding source (column 23 lines 19-33 and 48-54), and the applicant is inherently notified.

DeFrancesco fails to teach the line of credit being used for a credit card wherein the credit card is a credit card driver's license product, used as a license for operating a motor vehicle and as a credit card to purchase goods and services.

Yang discloses a credit card with driver's license being used as a license for operating a motor vehicle and as a credit card to purchase goods and services (column 7 lines 24-47). Yang further teaches the credit card being used to charge fees associated with processing and obtaining the driver's license (column 2 lines 49-53). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the credit authorization system of DeFrancesco to include a driver's license credit card because credit applicants and authorizations for lines of credit, as described by DeFrancesco are well known prerequisites for obtaining a credit card, and Yang discloses a credit card, which would inherently require a credit authorization such

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as the one described by DeFrancesco. Furthermore, Yang teaches the many advantages provided by a license combined with a credit card (column 2 lines 34-67).

Examiner notes that the recitation of the application source being a driver's license issuing site, and of the first fund source being the central drivers license issuing site, is regarded as intended use, and is generally not given weight for patentability. This issue is further addressed below, under "Response to Arguments".

5. Claims 6, 7, 15, 23, 24, 35, and 36 remain rejected under 35 U.S.C. 103(a) as being unpatentable over DeFrancesco, and Yang, and further in view of Jones, U.S. Patent No. 5,239,462.

Claims 6, 7, 15, 23, 24, 35, 36, DeFrancesco and Yang fail to teach checking a database to determine whether the applicant is approved for a credit line associated with the credit card issuer.

Jones teaches a method and apparatus for determining the approval status of a potential borrower comprising checking a database to determine whether an applicant is approved for a credit line (column 6 line 49 – column 7 line 17). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the credit processing system of DeFrancesco to include the checking step of Jones because if the applicant has been pre-approved, the "checker" need not make further requests for approval, thus expediting the application process.

***Response to Arguments***

6. Applicant's arguments with respect to claims 4-10, 14-17, 21-26, and 33-38 have been considered but are moot in view of the new ground(s) of rejection.

7. Applicant's arguments with respect to claims 11-13, 27-29, and 39-47 have been fully considered but they are not persuasive.

The recitation of the application source being a driver's license issuing site, and of the first fund source being the central drivers license issuing site, as well as the recitation that card is created by a "government identification issuing entity" (claims 42-47) is regarded as intended use, and is generally not given weight for patentability.

It is held that nonfunctional descriptive material cannot render non-obvious an invention that would have otherwise been obvious. In re Ngai, 367 F.3d 1336, 1339, 70 USPQ2d 1862, 1864 (Fed. Cir. 2004). Cf. In re Gulack, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983) (when descriptive material is not functionally related to the substrate, the descriptive material will not distinguish the invention from the prior art in terms of patentability).

In the present invention, the location of the card issuing entity, and the identity of the credit validation entities are regarded as descriptive material. In processing a credit validation request by obtaining credit information and issuing a line of credit, the driver's license issuing site is acting as a funding source. The location of the processing equipment, and the locations where requests are accepted, and responses are

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returned, does not functionally change the system, and therefore these limitations do not distinguish the invention from the prior art.

Regarding claims 43 and 46, Applicant states that Jackson does not teach or suggest welfare cards, usable for purchase of food items authorized by a government agency, being issued and used in a manner identical to that of a credit card. Examiner respectfully disagrees. Paragraph 3 of the "Full Text" section of the article states the cards "will allow users to purchase approved food items at most retailers in the same way credit card users do by swiping their card through an electronic reader in the checkout line." Therefore, the government issued welfare credit card of Jackson is readily combinable with Yang's government issued driver's license credit card.

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Kesack whose telephone number is 571-272-5882. The examiner can normally be reached on M-F, 9:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



HANI M. KAZIMI  
PRIMARY EXAMINER